

3rd September 1958]

APPENDIX I.

[Vide item VI (1) at page 30 supra.]

THE MADRAS BEEDI INDUSTRIAL PREMISES (REGULATION OF CONDITIONS OF WORK) BILL, 1958 (L.A. BILL No. 18 OF 1958).

Composition of the Joint Select Committee.

CHAIRMAN :

Hon. Sri R. VENKATARAMAN, *Minister for Industries.*

MEMBERS :

Srimathi T. N. ANANDANAYAKI.
Sri D. S. AUTHIMOOLAM.
Sri A. V. P. ASAITHAMBI.
Sri A. CHIDAMBARANATHA NADAR.
Sri B. DORAISWAMI REDDIAR.
Sri P. S. ELLAPPAN.
Sri K. S. G. HAJA SHERIFF.
Sri V. K. KOTHANDARAMAN.
Sri P. G. MANICKAM.
Sri J. MATHA GOWDER.
Sri S. PAKKIRISAMI PILLAI.
Sri A. A. RASHEED.
Sri T. V. SANNASI.
Sri M. S. SELVARAJAN.
Sri M. P. SARATHI.
Sri A. MARIAPPAN.
Sri T. DURAIRAJ.
Sri T. V. DEVARAJA MUDALIAR.
Sri M. ETHIRAJULU.
Sri JOHN ASIRVATHAM.
Sri MOHAMED RAZA KHAN.
Sri S. P. SIVASUBRAMANIA NADAR.
Sri A. SUBRAMANIAM.

SECRETARIAT :

Sri T. HANUMANTHAPPA, *Secretary to the State Legislature.*

Sri A. J. SABESA AYYAR, *Deputy Secretary to the State Legislature.*

Sri G. M. ALAGARSWAMY, *Assistant Secretary to the State Legislature.*

[3rd September 1958]

REPORT OF THE JOINT SELECT COMMITTEE ON
THE MADRAS BEEDI INDUSTRIAL PREMISES
(REGULATION OF CONDITIONS OF WORK) BILL, 1958
(L.A. BILL No. 18 OF 1958).

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS

The Joint Select Committee appointed to consider the Madras Beedi Industrial Premises (Regulation of Conditions of Work) Bill, 1958 (L.A. Bill No. 18 of 1958), has the honour to make the following report.

2. The Bill was published in English in Part IV-A of the *Fort St. George Gazette*, dated 28th February 1958 and in Tamil in the *Fort St. George Gazette*, dated 12th March 1958.

3. The Joint Select Committee was appointed by a resolution of the Assembly, dated the 10th April 1958 and of the Council, dated the 11th April 1958.

4. The Joint Select Committee met in the Committee Room, Legislators' Hostel (Old), Government Estate, Madras, on the 16th May 1958 and at Vellore on the 17th and 18th June, at Tiruchirappalli on 20th and 21st June and at Tirunelveli on the 23rd and 24th June 1958 and again at Madras in the Committee Room, Legislators' Hostel (Old), Mount Road, on 18th July 1958 and in the Lounge Room at Fort St. George on 22nd, 23rd and 24th July 1958.

5. At its first meeting the Joint Select Committee elected the Hon. Sri R. Venkataraman as its Chairman. It also decided to record the evidence of those connected with the Beedi Industry in Madras State. In pursuance of this decision, the Committee toured Vellore, Tiruchirappalli and Tirunelveli from 17th to 24th June 1958 and took evidence of the parties interested in the Bill. It also took evidence in Madras on 18th July 1958 from those concerned with the industry in the City of Madras.

6. The Committee has subjected the clauses of the Bill to a detailed scrutiny and as a result thereof made changes in them. Important changes are noted below :—

Clause 1.—Sub-clause (3) of clause 1 has been amended so as to give power to the Government to appoint different dates for different areas and for different provisions.

Clause 2.—Sub-clause (g).—The Committee has recast the definition of "employer" so as to include those who have substantial interest in the control of the affairs of any beedi industrial premises either by advancing money or supplying goods or otherwise.

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Clause 4—Sub-clause (2).—The word “ simultaneous ” has been omitted and the words “ of the day ” have been inserted in between the words “ time ” and “ in the place of ”.

Clause 5.—The clause provides an appeal on an order by the competent authority refusing to grant a licence under section 4. The Committee decided that there should be provision for appeal against cancellation of the licence under this section. This clause has therefore been amended accordingly.

Clause 14.—There was no provision in the Bill to provide creches for the children of women employees. The Committee agreed to the suggestion of the Government of India in regard to the provision of creches. Accordingly a new clause was inserted for this purpose.

Clause 15.—The Committee felt that First Aid Box should be in charge of a person trained in First Aid treatment. Sub-clause (3) has been amended on the lines of a similar provision in the Factories Act.

Clause 21.—Clause 20 (2) of the Bill provided that a substituted holiday may be allowed on one of the three days immediately after the said day. The Committee decided that the substituted holiday may be allowed either before or after the day. The sub-clause has been amended accordingly.

Clause 23—Sub-clause (2).—This clause has been amended by the Committee so as to give time for two weeks instead of one week as provided already, for sending to the Inspector the notice referred to in sub-clause (1) in the case of premises carrying on work at the commencement of this Act.

Clause 34.—The word “ person ” has been substituted for the word “ employer ” occurring in line 2 of sub-clause (1).

The Committee decided that the punishment for the first offence should be only fine and not imprisonment. The sub-clause has been amended accordingly.

Clause 35.—There was no provision in the Bill to give protection to persons for anything done under the Act. A new clause has therefore been inserted to provide for the same.

Clause 39.—The clause provides that the rights and privileges enjoyed before the commencement of this Act, if more favourable, are not affected. There is no provision as to who should decide whether a right or privilege is more favourable. The Committee decided that the Commissioner of Labour should decide such questions. A new sub-clause has been added.

A copy of the Bill as amended and approved by the Committee is appended.

The Committee considers that the changes made by it are not of such important character as to require the republication of the Bill.

FORT ST. GEORGE, MADRAS-9,
24th July 1958.

R. VENKATARAMAN,
Chairman.

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ANNEXURE.

THE MADRAS BEEDI INDUSTRIAL PREMISES (REGULATION OF CONDITIONS OF WORK) BILL, 1958 (L.A. BILL No. 18 OF 1958).

[*Note.*—The changes made are sidelined or underlined and the portions omitted are indicated by dots.]

A Bill to regulate the conditions of work in beedi industrial premises in the State of Madras.

WHEREAS it is expedient to regulate the conditions of work in beedi industrial premises in the State of Madras;

BE it enacted in the Ninth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Beedi Industrial Premises (Regulation of Conditions of Work) Act, 1958.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date as the Government may, by notification, appoint; and different dates may be appointed for different areas and for different provisions of this Act.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(a) “adult” means a person who has completed eighteen years of age;

(b) “beedi industrial premises” means any place or premises, including the precincts thereof, in any part of which any manufacturing process connected with the production of beedies is being carried on or is ordinarily carried on with or without the aid of power;

(c) “beedi industry” means any industry relating to the manufacture of beedies;

(d) “child” means a person who has not completed fourteen years of age;

(e) “competent authority” means any officer authorized by the Government by notification to perform the functions of the competent authority under this Act for such area as may be specified in the notification;

(f) “employee” means a person employed directly or through any agency whether for wages or not in any beedi industry to do any work, skilled, unskilled, manual or clerical and includes any person who is employed in such industry and declared by the Government by notification to be an employee for the purposes of this Act;

(g) “employer” means the person who has the ultimate control over the affairs of any beedi industrial premises or who has, by reason of his advancing money, supplying goods or otherwise, a

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substantial interest in the control of the affairs of any beedi industrial premises and where the affairs of any beedi industrial premises are entrusted to any other person (whether called a managing agent, manager, superintendent, or by any other name) such other person shall be deemed to be the employer, and includes a proprietor or a registered user of a trade mark registered under the Trade Marks Act, 1940 (Central Act V of 1940), in relation to beedi;

(h) " Government " means the State Government;

(i) " Inspector " means the Inspector appointed under sub-section (1) of section 6;

(j) " manufacturing process " means any process for, or incidental to, making, finishing or packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery, or disposal as beedies;

(k) " week " means a period of seven days beginning at midnight on Saturday night;

(l) " young person " means a person who has completed fourteen years of age but not completed eighteen years of age.

3. *Beedi industrial premises to be licensed.*—Save as otherwise provided in this Act, no place or premises shall, on and after such date as the Government may, by notification, specify in this behalf, be used as a beedi industrial premises without a licence obtained from the competent authority and except in accordance with the terms and conditions specified therein.

4. *Licences.*—(1) Any person who intends to use any place or premises as a beedi industrial premises shall make an application in writing to the competent authority for a licence therefor, together with such particulars as may be prescribed.

(2) The application shall specify the maximum number of employees proposed to be . . . employed at any time of the day in the place or premises and shall be accompanied by a plan of the place or premises prepared in such manner as may be prescribed.

(3) The competent authority shall, in deciding whether to grant or refuse a licence, have regard to the following matters, namely :—

(a) the suitability of the place or premises which is proposed to be used for the manufacture of beedies;

(b) the status and previous experience of the applicant;

(c) the welfare of labour in the locality;

(d) the interest of the public generally; and

(e) such other matters as may be prescribed.

(4) The competent authority shall not grant a licence unless it is satisfied that the provisions of this Act and the rules made thereunder have been substantially complied with.

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(5) The competent authority may cancel or suspend any licence granted under this Act if it appears to it, after giving the holder thereof an opportunity of being heard, that the licensee has contravened, or failed to comply with, any of the provisions of this Act or the rules made thereunder or any of the terms or conditions of the licence.

(6) The Government may issue to competent authorities such orders and directions of a general character as the Government may consider necessary in respect of any matter relating to licences under this section.

(7) Subject to the foregoing provisions of this section, the competent authority may grant licences under this Act on such terms and conditions as it may determine. Where the competent authority refuses to grant any licence, it shall do so by an order communicated to the applicant, giving the reasons in writing for such refusal.

5. *Appeals*.—Any person aggrieved by the decision of the competent authority refusing to grant a licence or cancelling a licence under section 4 may, within such time as may be prescribed, appeal to such authority as the Government may specify in this behalf and such authority may make such order in the case as it may think fit.

6. *Inspectors*.—(1) The Government may, by notification, appoint such persons as possess the prescribed qualification to be Inspectors for the purposes of this Act and may assign to them such local limits as they may think fit.

(2) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code (Central Act XLV of 1860).

7. *Powers of Inspectors*.—(1) Subject to any rules made in this behalf, an Inspector appointed under this Act shall, for the purposes of the enforcement of this Act, have power to do all or any of the following things within the local limits for which he is appointed—

(a) to make such examination and hold such inquiry as may be necessary for ascertaining whether the provisions of this Act have been and are being complied with in any place or premises,

(b) to require the production of any prescribed register and any other document relating to the manufacture of beedies,

(c) to enter at all reasonable times any place or premises including the residences of employees when he has reasonable grounds for suspecting that any beedi industry is being carried on or is ordinarily carried on in any such place or premises,

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(d) to exercise such other powers as may be prescribed for carrying out the purposes of this Act :

Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself.

(2) For the purposes of clause (c) of sub-section (1), an Inspector may, after giving due notice to the employer, or in the absence of the employer, to the occupier, enter the beedi industrial premises with such assistants, if any, as he thinks fit.

(3) Every employer shall accord to the Inspector all reasonable facilities in the discharge of his duties under this Act.

8. Cleanliness.—Every beedi industrial premises shall be kept clean and free from effluvia arising from any drain, privy or other nuisance and in particular—

(a) accumulations of dirt and refuse shall be removed daily by sweeping or by any other effective method from the floors and benches of work rooms and from staircases and passages, and disposed of in a suitable manner;

(b) the floor of every work room shall be cleaned at least once in every week by washing, using disinfectants, where necessary, or by some other effective method;

(c) all inside walls, and partitions, all ceilings or tops of rooms and all walls, sides and tops of passages and staircases shall—

(i) where they are painted or varnished or where they have smooth impervious surfaces, be cleaned at least once in every period of fourteen months by such methods as may be prescribed;

(ii) where they are painted or varnished be repainted or revarnished at least once in every period of five years;

(iii) in any other case, be kept white-washed or colour-washed at least once in every twelve months.

9. Ventilation.—(1) The Government may prescribe a standard of adequate ventilation and reasonable temperature to be maintained in the beedi industrial premises.

(2) Wherever dust or fume or other impurity of such a nature and to such an extent as is likely to be injurious or offensive to the employees is given off, by reason of the manufacturing process carried on, the competent authority may require the employer to take such effective measures as may prevent its inhalation and accumulation in any work room.

10. Overcrowding.—(1) No room in any beedi industrial premises shall be overcrowded to an extent injurious to the health of the employees employed therein.

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(2) Without prejudice to the generality of sub-section (1), there shall be in every work-room of such premises at least one hundred and fifty cubic feet of space for every employee employed therein, and for the purposes of this sub-section no account shall be taken of any space which is more than ten feet above the level of the floor of the work-room.

11. Drinking water.—(1) In every beedi industrial premises effective arrangements shall be made by the employer to provide and maintain at suitable points conveniently situated for all employees a sufficient supply of wholesome drinking water.

(2) All such points shall be legibly marked "drinking water" in a language understood by the majority of the employees employed in the premises and no such point shall be situated within twenty feet of any washing place, urinal or latrine except with the prior approval in writing of the competent authority.

12. Latrines and urinals.—(1) In every beedi industrial premises sufficient latrine and urinal accommodation of prescribed types shall be provided conveniently situated and accessible to employees at all times while they are in the beedi industrial premises :

Provided that it shall not be necessary to provide for separate urinals in the beedi industrial premises where less than fifty persons are employed or where the latrines are connected to any waterborne sewage system.

(2) The Government may prescribe the number of latrines and urinals to be provided in any beedi industrial premises in proportion to the number of male and female employees ordinarily employed therein and provide for such further matters in respect of sanitation in the beedi industrial premises including the obligation of employees in this regard, as they consider necessary in the interests of the health of the employees employed therein.

13. Washing facilities.—In every beedi industrial premises where blending and sieving of tobacco or warming of beedies in hot ovens is carried on, the employer shall provide such washing facilities for the use of the employees as may be prescribed.

14. Creches.—(1) In every beedi industrial premises wherein more than fifty female employees are ordinarily employed, there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such female employees.

(2) Such rooms shall provide adequate accommodation, shall be adequately lighted and ventilated, shall be maintained in a clean and sanitary condition and shall be under the charge of women trained in the care of children and infants.

(3) The Government may make rules—

(a) prescribing the location and the standards in respect of construction, accommodation, furniture and other equipment of rooms to be provided under this section;

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(b) requiring the provision in beedi industrial premises to which this section applies of additional facilities for the care of children belonging to female employees, including suitable provision of facilities for washing and changing their clothing;

(c) requiring the provision in any beedi industrial premises of free milk or refreshment or both for such children;

(d) requiring that facilities shall be given in any beedi industrial premises for the mothers of such children to feed them at the necessary intervals.

15. First aid.—(1) There shall, in every beedi industrial premises, be provided and maintained so as to be readily accessible during all working hours, first aid boxes or cupboards equipped with the prescribed contents and the number of such boxes or cupboards to be provided and maintained shall not be less than one for every one hundred and fifty employees ordinarily employed at any one time in the premises.

(2) Nothing except the prescribed contents shall be kept in a first aid box or cupboard.

(3) Each first aid box or cupboard shall be kept in the charge of a person who is trained in first aid treatment and who shall always be readily available during the working hours of the beedi industrial premises.

16. Canteens.—The Government may make rules requiring that in any specified beedi industrial premises wherein not less than two hundred and fifty employees are ordinarily employed, a canteen shall be provided and maintained by the employer for the use of the employees.

17. Working hours.—No employee shall be required or allowed to work in a beedi industrial premises for more than nine hours in any day or more than forty-eight hours in any week :

Provided that any adult employee may be allowed to work in such beedi industrial premises for any period in excess of the limit fixed under this section subject to payment of overtime wages, if the period of work, including overtime work, does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

18. Wages for overtime work.—(1) Where any employee employed in any beedi industrial premises is required to work overtime, he shall be entitled in respect of such overtime work, to wages at twice the ordinary rate of wages.

(2) Where the employees in a beedi industrial premises are paid on a piece-rate basis, the Government shall, in consultation with the employer concerned and the representatives of the employees, fix, for the purposes of this section, time rates as nearly as possible equivalent to the average rate of earnings of those employees, and the rates so fixed shall be deemed to be the ordinary rates of wages of those employees.

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(3) For the purposes of this section, "ordinary rate of wages" means the basic wages plus such allowances, including the cash equivalent of the advantage accruing through the concessional sale to employees of foodgrains and other articles, as the employee is for the time being entitled to, but does not include a bonus.

(4) The cash equivalent of the advantage accruing through the concessional sale to an employee of foodgrains and other articles shall be computed as often as may be prescribed on the basis of the maximum quantity of foodgrains and other articles admissible to a standard family.

Explanation 1.—"Standard family" means a family consisting of the employee, his or her spouse and two children requiring in all three adult consumption units.

Explanation 2.—"Adult consumption unit" means the consumption unit of a male above the age of fourteen years and the consumption unit of a female above the age of fourteen years and that of a child shall be calculated at the rate of .8 and .6 respectively of one adult consumption unit.

19. Interval for rest.—The periods of work for employees in a beedi industrial premises each day shall be so fixed that no period shall exceed five hours and that no employee shall work for more than five hours before he has had an interval for rest of at least half an hour.

20. Spread over.—The periods of work of an employee in a beedi industrial premises shall be so arranged that along with his interval for rest, they shall not spread over more than ten hours in any day.

21. Weekly holidays.—(1) Every beedi industrial premises shall remain entirely closed except for wetting of wrapping leaves on one day in the week which day shall be specified by the employer in a notice permanently exhibited in a conspicuous place in the premises and the day so specified shall not be altered by the employer more often than once in three months and except with the previous written permission of the Inspector.

(2) Notwithstanding anything in sub-section (1), an employee employed in the said premises for wetting of wrapping leaves on the day on which it has remained closed in pursuance of sub-section (1) shall be allowed a substituted holiday on one of the three days immediately before or after the said day.

(3) Notwithstanding any contract to the contrary, no deduction shall be made from the wages of any employee on account of any holiday allowed to him under this section.

22. National and festival holidays.—(1) Every employee shall be allowed in each calendar year a holiday of one whole day on the 26th January and the 15th August and five holidays each of one

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whole day for such festivals as the Inspector may, in consultation with the employer and the employees, specify in respect of any beedi industrial premises.

(2) For every holiday allowed under sub-section (1), every employee shall be paid at a rate equal to the daily average of his total full time earnings for the days on which he worked during the week immediately preceding such holiday, exclusive of any, overtime and bonus, but inclusive of dearness allowance.

(3) Where an employee works on any holiday allowed under sub-section (1), he shall, at his option, be entitled—

(a) to wages at twice the ordinary rate of wages as defined in sub-section (3) of section 18 for such day, or

(b) to wages at the ordinary rate of wages defined as aforesaid for such day and to avail himself of a substituted holiday on any other day, for which substituted holiday, he shall be paid at the rate specified in sub-section (2).

23. Notice of periods of work.—(1) There shall be correctly maintained and displayed in every beedi industrial premises a notice of periods of work in such form and in such manner as may be prescribed showing clearly for every day the periods during which employees may be required to work.

(2) (a) A copy of the notice referred to in sub-section (1) shall be sent in triplicate to the Inspector having jurisdiction over the beedi industrial premises within two weeks from the date of grant of licence for the first time in the case of premises carrying on work at the commencement of this Act, and in the case of premises beginning work after such commencement, before the day on which work is begun in the premises.

(b) Any proposed change in the system of work which will necessitate a change in the notice referred to in sub-section (1) shall be notified to the Inspector in triplicate before the change is made and, except with the previous sanction of the Inspector, no such change shall be made until one week has elapsed since the last change.

24. Hours of work to correspond with notice under section 23.—No employee shall be employed in any beedi industrial premises otherwise than in accordance with the notice of work displayed in the premises under section 23.

25. Prohibition of employment of children.—No child shall be required or allowed to work in any beedi industrial premises.

26. Prohibition of employment of woman or young person during certain hours.—No woman or young person shall be required or allowed to work in any beedi industrial premises except between 6 a.m. and 7 p.m.

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27. Annual leave with wages.—(1) Every employee who has worked for a period of not less than 240 days in a beedi industrial premises during a calendar year shall be allowed in the subsequent calendar year, leave with wages for a number of days calculated—

(i) in the case of an adult, at the rate of one day for every twenty days of work performed by him during the previous calendar year;

(ii) in the case of a young person, at the rate of one day for every fifteen days of work performed by him during the previous calendar year.

Explanation 1.—The leave admissible under this sub-section shall be exclusive of all holidays whether occurring during or at the beginning or at the end of the period of leave.

Explanation 2.—For the purpose of this sub-section—

(a) any days of lay off, by agreement or contract or as permitted under the Standing Orders of the beedi industrial premises concerned;

(b) in the case of a female employee, authorized absence for maternity purposes for any number of days not exceeding twelve weeks;

(c) the leave earned in the year prior to that in which the leave is enjoyed;

shall be deemed to be days on which the employee has worked for the purpose of computation of the period of 240 days but not for earning leave.

(2) An employee whose service commences otherwise than on the first day of January shall be entitled to leave calculated in accordance with sub-section (1) if he has worked for two-thirds of the total number of days in the remainder of the calendar year.

(3) If an employee is discharged or dismissed from service during the course of the year, he shall be entitled to leave with wages at the rate laid down in sub-section (1) even if he has not worked for the entire period specified in sub-section (1) or sub-section (2) entitling him to earn leave.

(4) In calculating leave under this section, any fraction of leave of half a day or more shall be treated as one full day's leave and any fraction of less than half a day shall be omitted.

(5) If an employee does not in any calendar year take the whole of the leave allowed to him under sub-section (1) or sub-section (2), as the case may be, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year :

Provided that the total number of days of leave that may be carried forward to a succeeding year shall not exceed thirty in the case of an adult or forty in the case of a young person.

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(6) An application by an employee for the whole or any portion of the leave allowed under sub-section (1) or sub-section (2) shall be in writing and ordinarily be made sufficiently in advance of the date on which he wishes his leave to begin.

(7) If the employment of an employee who is entitled to leave under sub-section (1) or sub-section (2), as the case may be, is terminated by the employer before he has taken the entire leave to which he is entitled or if having applied for leave he has not been granted such leave, or if the employee quits his employment before he has taken the leave, the employer shall pay him the amount payable under section 28 in respect of leave not taken and such payment shall be made, where the employment of the employee is terminated by the employer, before the expiry of the second working day after such termination and where the employee quits his employment, on or before the next pay day.

(8) The leave not availed of by an employee shall not be taken into consideration in computing the period of any notice required to be given before discharge or dismissal.

28. Wages during leave period.—(1) For the leave allowed to him under section 27, an employee shall be paid at a rate equal to the daily average of his total full-time earnings for the days on which he worked during the month immediately preceding his leave exclusive of any overtime and bonus, but inclusive of dearness allowance.

(2) An employee who has been allowed leave for not less than four days, in the case of an adult and five days in the case of a young person, shall, before his leave begins, be paid wages due for the period of the leave allowed.

29. Application of the Payment of Wages Act, 1936, to beedi industrial premises.—(1) Notwithstanding anything contained in the Payment of Wages Act, 1936 (Central Act IV of 1936) (hereinafter in this section referred to as the said Act), the Government may, by notification, direct that, subject to the provisions of sub-section (2), the said Act or any of the provisions thereof or the rules made thereunder shall apply to all or any class of employees in beedi industrial premises to which this Act applies.

(2) On the application of the provisions of the said Act to any beedi industrial premises under sub-section (1), the Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of the enforcement of the provisions of the said Act within the local limits of his jurisdiction.

(3) The Government may, by like notification, cancel or vary any notification issued under sub-section (1).

30. Special provisions.—(1) The Government may permit the wetting or cutting of wrapping leaves by female employees outside the beedi industrial premises on an application made by the employer on behalf of such employees.

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(2) The employer shall maintain in the prescribed form a record of the work permitted under sub-section (1) to be carried on outside the beedi industrial premises.

(3) Save as otherwise provided in this section, no employer shall require or allow any manufacturing process connected with the production of beedies to be carried on outside the beedi industrial premises.

31. Onus as to age.—(1) When any act or omission would, if a person were under a certain age, be an offence punishable under this Act and such person is in the opinion of the Court *prima facie* under such age, the burden shall be on the accused to prove that such person is not under such age.

(2) A declaration in writing by a Medical Officer not below the rank of a Civil Assistant Surgeon relating to an employee that he has personally examined him and believes him to be under the age stated in such declaration shall, for the purposes of this Act and the rules made thereunder, be admissible as evidence of the age of that employee.

32. Notice of dismissal.—(1) No employer shall dispense with the services of an employee employed continuously for a period of not less than six months, except for a reasonable cause and without giving such employee at least one month's notice or wages in lieu of such notice, provided however that such notice shall not be necessary where the services of such employee are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an enquiry held for the purpose.

(2) (a) Any employee discharged, dismissed or retrenched, may appeal to such authority and within such time as may be prescribed either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the employer.

(b) The appellate authority, may, after giving notice in the prescribed manner to the employer and the employee, dismiss the appeal or direct the reinstatement of the employee with or without wages for the period he was kept out of employment or direct payment of compensation without reinstatement or grant such other relief as it deems fit in the circumstances of the case.

(3) The decision of the appellate authority shall be final and binding on both the parties, not be liable to be questioned in any Court of Law, and be given effect to within such time as may be specified in the order of the appellate authority.

33. Penalty for obstructing Inspector.—Whoever wilfully obstructs an Inspector in the exercise of any power conferred on him by or under this Act, or fails to produce on demand by an Inspector, any register or other document in his custody kept in pursuance of this Act or of any rules made thereunder or conceals

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or prevents any employee in a beedi industrial premises from appearing before, or being examined by, an Inspector, shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

34. General penalty for offences.—(1) Save as otherwise expressly provided in this Act, any person who contravenes any of the provisions of this Act or of any rule made thereunder, or fails to pay wages or compensation in accordance with any order of the appellate authority passed under clause (b) of sub-section (2) of section 32, shall, on conviction, be punishable, for the first offence, ... with fine which may extend to two hundred and fifty rupees, ... and for a second or any subsequent offence with imprisonment for a term which shall not be less than one month or more than six months or with fine which shall not be less than one hundred rupees or more than five hundred rupees, or with both.

(2) (a) Any employer who fails to reinstate an employee in accordance with any order of the appellate authority passed under clause (b) of sub-section (2) of section 32 shall, on conviction, be punishable with fine which may extend to two hundred and fifty rupees.

(b) Any employer who after having been convicted under clause (a) continues to fail to reinstate an employee in accordance with the order mentioned in that clause shall, on conviction, be punishable for each day after the previous date of conviction, during which he continues so to offend, with fine which may extend to twenty rupees.

(c) Any Court trying an offence punishable under this sub-section may direct that the whole or any part of the fine realized from the accused shall be paid by way of compensation to the person, who, in its opinion, has been injured by such failure.

(3) Any compensation required to be paid by an employer under clause (b) of sub-section (2) of section 32 but not paid by him shall be recoverable as delayed wages under the provisions of the Payment of Wages Act, 1936 (Central Act IV of 1936).

35. Indemnity.—No suit, prosecution, or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

36. Cognizance of offences.—(1) No Court shall take cognizance of any offence under this Act except on complaint by, or with the previous sanction in writing of, an Inspector.

(2) No Court below that of a Presidency Magistrate or of a Magistrate of the First Class shall try any offence punishable under this Act.

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37. Central Act XX of 1954 to apply to beedi industrial premises.—The provisions of the Industrial Employment (Standing Orders) Act, 1946 (Central Act XX of 1946), as in force for the time being shall apply to every beedi industrial premises wherein fifty or more employees are employed or were employed on any one day of the preceding twelve months as if such industrial premises were an industrial establishment to which the aforesaid Act has been applied by a notification under sub-section (3) of section 1 thereof, and as if the employee in the said premises were a workman within the meaning of that Act.

38. Certain Acts not to apply to beedi industrial premises.—On and from the date on which this Act comes into force, the Factories Act, 1948 (Central Act LXIII of 1948), and the Madras Shops and Establishments Act, 1947 (Madras Act XXXVI of 1947), shall cease to apply to beedi industrial premises.

39. (1) Rights and privileges under other laws, etc., not affected.—Nothing contained in this Act shall affect any rights or privileges which any employee working in any beedi industrial premises is entitled to on the date on which this Act comes into force, under any other law, contract, custom or usage, applicable to such beedi industrial premises, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

(2) If any question arises whether the rights or privileges aforesaid are more favourable to any employee than those to which he would be entitled under this Act or whether all or any of the provisions of this Act apply to a beedi industrial premises or to a person employed therein, it shall be decided by the Commissioner of Labour and his decision thereon shall be final and not be liable to be questioned in any Court of Law.

40. Power to exempt.—The Government may, by notification, exempt, subject to such conditions and restrictions as they may impose—

- (a) any beedi industrial premises,
- (b) any beedi industry, or
- (c) any class of employees,

from all or any of the provisions of this Act or of any rules made thereunder.

41. Power to make rules.—(1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the terms and conditions subject to which a licence may be granted under the Act and the fees to be paid in respect of such licence;

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(b) the form of application for a licence under this Act and the documents and plans to be submitted together with such application;

(c) submission of a monthly return by an employer to the competent authority specifying the quantity of beedi tobacco released by the Central Excise Department and the number of beedies manufactured by him;

(d) the time within which appeals may be presented under this Act;

(e) the manner in which the cash equivalent of the advantage accruing through the concessional sale to an employee of food-grains and other articles shall be computed;

(f) the records and registers that shall be maintained in beedi industrial premises for the purpose of securing compliance with the provisions of this Act and the rules made thereunder;

(g) any matter expressly required or allowed by this Act to be prescribed.

(3) All rules made and all notifications issued under this Act, shall, as soon as possible after they are made or issued, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session.

FORT ST. GEORGE, MADRAS-9,
24th July 1958.

T. HANUMANTHAPPA,
Secretary to the State Legislature.

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TRUTH ALONE TRIUMPHS